



Appeal Decision

Site visit made on 15 August 2017

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd August 2017.

Appeal Ref: APP/Q1153/W/17/3172114

Bay Tree House, The Crescent, Crapstone PL20 7PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr & Mrs Roger and Mary Watkins against the decision of West Devon Borough Council.
 - The application Ref 2173/16/FUL, dated 15 July 2016, was refused by notice dated 19 December 2016.
 - The development proposed is a 2 storey detached dwelling, demolition of existing garage & alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance.
-

Decision

1. The appeal is allowed and planning permission is granted for a 2 storey detached dwelling, demolition of existing garage & alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance at Bay Tree House, The Crescent, Crapstone PL20 7PS in accordance with the terms of the application, Ref 2173/16/FUL, dated 15 July 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

3. The Crescent is an area of residential character; most of the properties are detached and set back from the road. The ages and style of the houses is varied and so are the sizes of the plots with some dwellings set in very generous grounds but other properties having a much tighter knit feel. Front boundary treatments also vary considerably with hedging, stone walls, and railings all being present close to the appeal site. The dwellings being set back from the road is a distinctive characteristic of the area as is the varied design and arrangement of the houses.
4. Bay Tree House is a detached two storey property being one of three that have a similar appearance, all with forward projecting garages set at an angle from the main part of the house. These three properties have rendered walls at ground floor level with hanging tiles above. The appeal property is set on the inside of the bend in The Crescent and close to its apex. The plot is roughly triangular in shape with a wide frontage, narrowing towards the rear. There are a number of mature trees at the rear of the site close to the south western

- boundary which are subject to a Tree Preservation Order. These contribute to the character of the area and are visible from the road particularly in views across the frontage of Coach House which sits adjacent to the appeal site.
5. The development would result in the removal of the projecting garage at Bay Tree House with a detached, two storey, property located to the side of it. It would follow a similar building line to Bay Tree House and Melbury House located to the east. It would be set back sufficiently from the road to maintain the characteristic set back and this would be to a greater degree than other nearby properties such as Selamat to the west.
 6. There would be a relatively modest gap between Bay Tree House and the proposed dwelling, but at first floor level this would not be greatly smaller than the gap between Bay Tree House and Melbury House. It would be sufficient to allow some views between the properties and it would not appear cramped or be out of character with some of the other closer knit development in the locality. There would be a greater percentage of building coverage on the plot than in some of the neighbouring properties and the rear garden would be small. However this would not be significantly noticeable from public vantage points where the frontage would be seen as relatively wide. There would be some reduction in the views towards the protected trees, but these would still be readily visible above the appeal dwelling and the significant views across the frontage of Coach House would be unaffected.
 7. The dwelling would be finished in render and, although it would share some similarities in form with Bay Tree House, its appearance would be different and it would have larger windows. The use of render is a common material in The Crescent and although different to Bay Tree House the size of the fenestration is also similar to that found in the locality. In the context of an area where there is a very considerable variety in the design of houses and the use of materials the appeal property would not appear as a discordant feature.
 8. A detached double garage is proposed as a replacement for the garage which is to be removed and an access would be provided to the front of Bay Tree House. The garage would have some effect in reducing the sense of openness at the frontage, but it would be set back a little from the road so that there would still be a degree of spaciousness near to the apex of the bend in The Crescent. Its positioning would also be similar to other detached double garages in the locality including one located opposite the appeal site. The additional access would remove some of the existing boundary, resulting in a more open aspect. However accesses are common on the road and some properties have much more open frontages. The additional access would not be out of keeping.
 9. For these reasons I conclude that the development would not result in harm to the character or appearance of the area. I also consider the scale of the development and the site's location, in an area of residential character, mean it would not fail to conserve the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty in which the site lies. The development would comply with Policies H28 and H39 of the West Devon Borough Council Local Plan Review. These seek to ensure that the design, scale, materials, character, and plot size of new development, including where it involves the redevelopment of a large residential plot, is compatible with the surrounding residential area.

Other matters

10. The adjacent Coach House has a first floor side window close to the common boundary with the appeal site. This serves two separate rooms, a bathroom and a bedroom each with a narrow window. The rear bedroom windows in the appeal dwelling would have an outlook towards this side window, but at an oblique angle. This would not allow significant views into either room or from these rooms into the appeal dwelling. There would be some overlooking to a small portion of the garden of Coach House from 'bedroom 2' in the appeal house, but the overlooked area would be small and contains a large garden shed. The remainder of the neighbouring garden and the building would not be overlooked by the development. A side bathroom window is proposed, but a condition could be put in place to prevent any significant overlooking from it.
11. The dwelling would be closer to the boundary with Coach House than the existing garage and it would be taller. However its orientation is such that there would be no loss of direct sunlight. The dwelling would not be significantly visible from windows in the front of Coach House and it would still be set away from the common boundary so that it would not appear as over bearing from this neighbouring garden. Overall the living conditions for the occupants of Coach House would not be adversely affected to a significant degree nor would their right for the respect for a private family life be interfered with.
12. The window in 'bedroom 2' of the appeal house would have an outlook towards a portion of the rear garden of Spectrum House and these views would not be particularly filtered by the existing trees. However the area of garden that would be overlooked would be small and a significant portion of it would not be affected. Although the occupants of this neighbouring dwelling may value their privacy the increased levels of overlooking would not be out of character with that usually found in residential areas. I therefore do not consider it necessary that this bedroom window is required to contain obscure glazing. Views to the neighbouring house would be at a reasonable distance and an oblique angle such that there would not be a significant loss of privacy to the rooms in this property. For these reasons I conclude that the living conditions of the occupants of Spectrum House would not be diminished to a harmful extent.
13. An additional access would be created to serve Bay Tree House. This would be close to the bend in the road which has some impact on reducing the visibility. The road is narrow and contains many access points, including others located close to this bend. My observations on site were that traffic speeds were generally low with drivers responding to the nature of the road and numerous accesses. The provision of an additional access at the appeal site would not result in any significant increase in highway safety concerns. The increased traffic from the appeal scheme would be very small and it would not have any significant impact on the local road network. Sufficient onsite parking and turning would also be provided such that increased on street parking is unlikely to arise to any significant degree.
14. Some concerns have been raised that the appeal scheme could result in further development in the local area. Each case would need to be considered on its own individual merits and no comparable sites have been drawn to my attention. Therefore this factor does not weigh against the development.

Conditions

15. I have imposed a condition specifying the relevant plans as this provides certainty. The development necessitates a new access for Bay Tree House, to ensure access and parking is available for this property it is necessary that a condition requires that this is provided before the development of the new dwelling proceeds. In the interests of the character and appearance of the area I have imposed a condition to require that the external materials are approved by the Council. To ensure there is adequate surface water drainage I have imposed a drainage condition. A condition is necessary to ensure the access, parking and manoeuvring space is laid out before the new dwelling is occupied so that these matters are adequately provided for. As there are protected trees close to the development it is necessary to secure protection measures during the demolition and construction period.
16. In the event that unexpected contamination is found, a condition to ensure this is dealt with appropriately is also necessary. To provide adequate privacy for the occupiers of the new and existing dwelling suitable boundary treatments will need to be erected. The details on the plans are sufficient and it is not necessary that further information is submitted to the Council. To prevent overlooking from a side window a condition to require that this is glazed with obscure glass and contains a restricted means of opening is necessary.
17. The Council has suggested that permitted development rights be removed to a very significant degree, although no substantive evidence has been submitted to demonstrate that such a restrictive approach is necessary. Permitted development rights should only be removed in exceptional circumstances and I do not consider that these exist. I note the rear garden area would be modest, but it would not be so small that removing rights for development in this area is essential.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I consider that the development accords with the development plan when taken as a whole. I conclude that the appeal should be allowed.

K Taylor

INSPECTOR

Schedule of Conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01Aex, 02H, 03A, 04, 05, 06, 07, 08, and 09.
3. No works shall be undertaken in relation to the construction of the new dwelling until the new access for Bay Tree House has been constructed in accordance with plan no. 02H.
4. No development shall commence which involves the use of external materials until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
5. No development shall take place in respect of the construction of the dwelling until a full surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include percolation test results and supporting calculations, a management plan setting out the maintenance requirements for the drainage assets, and a programme of implementation. The development shall be carried out in accordance with the approved details including the programme of implementation and shall thereafter be maintained in accordance with the management plan.
6. The dwelling hereby approved shall not be occupied until the garaging within the appeal dwelling, the parking, and manoeuvring areas have been provided and surfaced in accordance with plan no. 02H. These parking, garaging, and manoeuvring areas shall thereafter be retained for the life of the development and kept available at all times for the parking and manoeuvring of vehicles.
7. Tree protection measures shall be erected around the protected trees on/adjacent to the site for the duration of the demolition and construction works. The tree protection measures must adhere to BS5837.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to the occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.
9. The dwelling hereby permitted shall not be occupied until the boundary treatments and means of enclosure have been implemented in accordance with the details shown on plan no. 02H. The boundary treatments and means of enclosure shall thereafter be retained as such for the lifetime of the development.

10. The dwelling hereby approved shall not be occupied until the first floor side window in the south western elevation has been fitted with obscured glazing and no part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and means of opening shall be retained thereafter.